



UNITED STATES PATENT AND TRADEMARK OFFICE

He

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,245	07/09/2001	Riccardo Evangelisti	D-42837-01-US	4974

28236 7590 07/31/2002

CRYOVAC, INC.
SEALED AIR CORP
P.O. BOX 464
DUNCAN, SC 29334

EXAMINER

STASHICK, ANTHONY D

ART UNIT	PAPER NUMBER
----------	--------------

3728

DATE MAILED: 07/31/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,245

Applicant(s)

EVANGELISTI ET AL.

Examiner

Anthony D Stashick

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☒ Claim(s) 42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 and 9. 6) ☐ Other: .

Art Unit: 3728

DETAILED ACTION

Claim Objections

1. Claim 42 is objected to under 37 CFR 1.75(c) as being in improper form because a claim cannot depend from a canceled claim. Accordingly, the claim has not been further treated on the merits.

Specification

2. The disclosure is objected to because of the following informalities: on page 8, line 15, "46" should be --4b--. Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both input and output conveyors in Figure 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 52a, 52b, 52c in Figure 6 and 6a, 6b, 7a and 7b in Figure 2. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numbers 6 and 7 as recited on page 6, line 2 and reference number 5 as recited on page 5, line 27. A proposed drawing

Art Unit: 3728

correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 22-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 3, the phrase “and operable to perform and independent vacuum sealing” renders the claims vague and indefinite. It is not clear what is meant by this phrase.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 22-26, 32, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Furukawa 4,869,050. Furukawa '050 discloses all the limitations of the claims including the following: a vacuum packaging machine (see Figure 4) comprising a vertical stack of vacuum chambers 103 each arranged to receive at least one unsealed product package 130; the chambers operable to perform an independent vacuum sealing operation on the product package; a conveyor arranged to load and unload the chambers (conveyors to load or feed-in and unload or feed out are 106, 107 respectively); the machine being operable to operate respective vacuum chambers while conveyor is operated to load and

Art Unit: 3728

unload other chambers (chambers not adjacent 106 or 107 are in the sealing stage while those at 106 and 106 are at the loading/unloading stage); the machine and conveyor are arranged to load and unload vacuum chambers in a cyclical sequence (that which follows the rotation of the chambers and synchronously to operate the vacuum chambers on the product (loading and unloading occurs at those chambers adjacent 106 and 107 at the same time that sealing occurs at those chambers not adjacent 106 and 107); the number of chambers is sufficient to the duration of the vacuum sealing operation allowing the conveyor to operate continuously (i.e. when the chambers reach 106, a package can be placed within the empty chamber and when the chamber reaches 107, the chamber can have the sealed container removed, thereby emptying the chamber for movement to 106); chambers can be added or removed (remove from arm or place on arm); vacuum chambers are movable relative to the conveyor (see Figure 4) to select the vacuum chamber to be loaded or unloaded at 106 and 107 respectively.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 30, 31, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa 4,869,050, as applied to claims 22 and 26, in view of Mugnai 4,471,599. Furukawa '050 discloses all the limitations of the claims as applied to claims 22 and 26 above except for the vacuum chambers having an internal conveyor and sealing bar for sealing the product package. Mugnai '599 teaches that a vacuum chamber 1 can have an internal conveyor (5, 31), which allows for the product to be easily moved into and out of the chamber. Mugnai '599 also teaches that the chamber can contain a

Art Unit: 3728

sealing bar 18 that aids in sealing the package during the vacuum phase. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to place a conveyor and sealing bar, such as that taught in Mugnai '599, in the vacuum chambers of Furukawa '050 to allow for easy entrance and exit of the product package with the feed-in and feed-out conveyors as well as to seal the mouth of the bag with the sealing bar during the vacuuming operation.

12. Claims 27-29 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa 4,869,050 as applied to claims 26 and 32 above, in view of Bonnet 6,227,377. Furukawa '050 discloses all the limitations of the claims, including the spacing between the vacuum chambers, but does not disclose the multiple feed-in and feed-out conveyors, the vertical movability of the feed-in and feed-out conveyors. Bonnet '377 teaches that a conveyor can be vertically adjusted to allow for the conveyor to be selectively positioned at different vertical levels in a feed-in and feed-out operation. Therefore, it would have been obvious, to make the feed-in and feed-out conveyors of Furukawa '050 vertically adjustable to place the feed-in of the chambers and the feed-out of the chambers at any level where the chambers may stop in rotations. With respect to the multiple in and out conveyors and the modular ability, it appears to be a mere matter of design choice and product demand as well as a mere matter of duplicity and time needed to seal the packages in the vacuum chambers to have more than one feed-in and feed-out conveyor.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form 892 enclosed herewith.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining

Art Unit: 3728

groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, email CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Stashick whose telephone number is 703-308-3876. The examiner can normally be reached on Tuesday through Friday from 8:30 am until 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Informal Fax for 3728	(703) 308-7769

If the information desired is not provided above, or has been changed, please do not call the examiner (this is the latest information provided to him) but the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/

Application/Control Number: 09/830,245

Art Unit: 3728

Page 7



Anthony D Stashick
Primary Examiner
Art Unit 3728

ADS
July 27, 2002